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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,239	02/18/2004	William Douglas Cress JR.	1372.133.PRC	2238
21901	7590	05/11/2006	EXAMINER	
SMITH HOPEN, PA 180 PINE AVENUE NORTH OLDSMAR, FL 34677			VIVLEMORE, TRACY ANN	
		ART UNIT	PAPER NUMBER	1635

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/708,239

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20060509

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

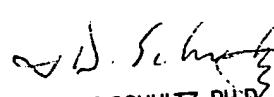
Commissioner for Patents

The amendment filed on March 7, 2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the elected invention was directed to modulation of apoptosis by downregulating expression of E2F1 as in original claim 3. The new claims are directed to methods of inducing apoptosis using compounds that increase expression of E2F1. These claims would have been properly restricted from the elected invention if they had been presented earlier.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD OF ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy Vivlemore whose telephone number is 571-272-2914. The examiner can normally be reached on Mon-Fri 8:45-5:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on 571-272-4517. The central FAX Number is 571-273-8300.


JAMES SCHULTZ, PH.D.
PRIMARY EXAMINER
TV
May 9, 2006